

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

VS.

CC201202821

MATTHEW EBO

NOTIFICATION OF COMMONWEALTH'S  
INTENTION TO PRESENT EVIDENCE OF  
OTHER CRIMES, WRONGS, OR ACTS  
PURSUANT TO RULE 404(B)(2)

Filed on Behalf of the  
Commonwealth of Pennsylvania

Counsel of Record for the  
Commonwealth of Pennsylvania

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY

By

Steven M. Stadtmiller  
Deputy District Attorney  
Pa. I.D. No. 53332

Office of the District Attorney  
401 Courthouse  
Pittsburgh, Pennsylvania 15219

(412) 350-4406

2012 MAY 30 AM 8:35

DEPT OF COURT RECORDS  
CRIMINAL DIVISION  
ALLEGHENY COUNTY PA

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NOTIFICATION OF COMMONWEALTH'S INTENTION TO PRESENT EVIDENCE  
OF OTHER CRIMES, WRONGS, OR ACTS PURSUANT TO RULE 404(B)(2)  
OF THE PENNSYLVANIA RULES OF EVIDENCE

TO THE HONORABLE, THE JUDGES OF SAID COURT:

AND NOW, comes the Commonwealth of Pennsylvania by its attorneys, STEPHEN A. ZAPPALA, JR., District Attorney of Allegheny County, and STEVEN M. STADTMILLER, Deputy District Attorney, and respectfully represents the following:

1. Trial of the above-captioned case is scheduled to proceed on June 11, 2012. The defendant is charged at cc 201202821 with Criminal Homicide, Robbery, Robbery of Motor Vehicle, Person Not to Possess Firearm, Possession of Firearm without a License and Conspiracy in connection with the gun point robbery and shooting death of Todd Mattox. The crime is alleged to have been committed on May 16, 2012;

2. At the above trial, the Commonwealth intends to offer evidence tending to prove that the co-defendant, Thaddeus Crumbley has committed other crimes, wrongs, or acts that bear upon the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. Specifically, the Commonwealth intends to offer evidence tending to prove that:

(a) on June 2, 2012, the co-defendant, Thaddeus Crumbley, was involved in a shootout in Swissvale, Pennsylvania, during which a .40 caliber handgun was discharged in his automobile 8 times. Eight .40 caliber casings were located by police in Crumbley's vehicle during the investigation of the June 2, 2011 shooting. These .40 caliber

casings were matched to one of the two handguns that were used to shoot and kill Todd Mattox in the Criminal Homicide presently before the Court. A Firearms expert from the Allegheny County Crime Lab will testify that the .40 caliber casings found at the May 16, 2011 Homicide of Todd Mattox and the .40 caliber casings found in the car Thaddeus Crumbley was in during the June 2, 2011 Shooting in Swissvale were all discharged from the same handgun.

3. Discovery materials pertaining to evidence of such other crimes, wrongs, or acts have been disclosed to the defendant;

4. It is believed and therefore averred that the probative value of evidence of such other crimes, wrongs, or acts outweighs its potential for prejudice, especially in light of the availability of a proper cautionary instruction, in that it places the Murder weapon from the within case in a car with Crumbley 17 days after the Homicide occurred;

5. Therefore, it is respectfully requested that the Court rule that evidence of such other crimes, wrongs, or acts is, admissible pursuant to Rule 404(b)(2) of the Pennsylvania Rules of Evidence.

WHEREFORE, pursuant to Rule 404(b)(4) of the Pennsylvania Rules of Evidence, the Commonwealth respectfully gives notice of its intention to present evidence tending to prove other crimes, wrongs, or acts as described in paragraph 2 of the within pleading at the trial of the above-captioned case.

Respectfully submitted,

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY


By:

  
STEVEN M. STADTMILLER  
DEPUTY DISTRICT ATTORNEY

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
:  
COUNTY OF ALLEGHENY :

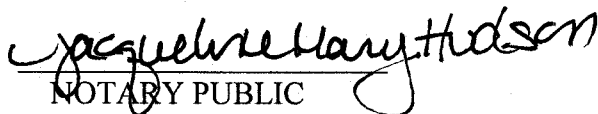
BEFORE ME, the undersigned authority, personally appeared Deputy District Attorney Steven M. Stadtmiller who, being duly sworn according to law, deposes and says that the statements contained in the foregoing notification are true and correct to the best of his information, knowledge and belief.

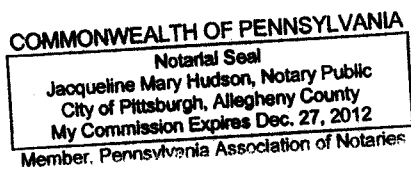
  
Steven M. Stadtmiller  
Deputy District Attorney

SWORN TO and subscribed

before me this 30 day

of May, 2012.

  
NOTARY PUBLIC




CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of May, 2012, I have caused to be mailed a true and correct copy of the within notification to:

Randall McKinney, Esquire  
429 Forbes Avenue, Suite 1400  
Pittsburgh, PA 15219

The Honorable Beth A. Lazzara  
Fifth Floor  
Allegheny County Courthouse  
Pittsburgh, PA 15219

Helen M. Lynch, Esquire  
Court Administrator  
Room 535 Courthouse  
Pittsburgh, PA 15219

  
Steven M. Stadtmiller  
Deputy District Attorney